

Bankruptcy Clerk, U.S. Courthouse, 75 Ted Turner Drive, S.W., Atlanta, Georgia 30303. You must also mail a copy of your response to the undersigned at the address stated below.

If a hearing on the motion for relief from the automatic stay cannot be held within thirty (30) days, Movants waive the requirement for holding a preliminary hearing within thirty days of filing the motion and agrees to a hearing on the earliest possible date. Movants consent to the automatic stay remaining in effect until the Court orders otherwise.

This 14th day of December, 2018.

Rountree & Leitman, LLC

By: /s/ David S. Klein

David S. Klein

Georgia Bar No. 183389

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Counsel for Movants

2800 North Druid Hills Road
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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE:	BANKRUPTCY CASE
CASSANDRA JOHNSON LANDRY,	NO. <u>18-55697-lrc</u>
Debtor.	CHAPTER 7
KING GROUP MGMT, LLC, and SUKHMANI INVESTMENTS, LLC,	
Movants,	
vs.	CONTESTED MATTER
CASSANDRA JOHNSON LANDRY, Debtor, S. GREGORY HAYS, Trustee,	
Respondents.	

AMENDED MOTION FOR RELIEF FROM THE AUTOMATIC STAY¹

King Group Mgmt, LLC and Sukhmani Investments, LLC (collectively, the “Movants”) file this Motion for Relief from the Automatic Stay to, among other things, allow it to proceed with a state law dispossessory action against Cassandra Johnson Landry (“Debtor”). In support of this Motion, Movants respectfully show this Court the following:

1. This is a Motion under Section 362(d)(1) of the Bankruptcy Code for relief from the stay for all purposes allowed by law, including, but not limited to, the right to dispossess Debtor, of certain real property.

¹ Movants submit this Amended Motion for Relief from the Automatic Stay to correct the subject property address.

2. Movants purchased the property otherwise known as 3556 Habersham at Northlake, Building H, Tucker, Georgia (the “Property”) at a foreclosure sale held on August 7, 2018. A true and correct copy of the Deed Under Power of Sale recorded in the Superior Court of DeKalb County real estate records is attached to the original Motion for Relief from the Automatic Stay as Exhibit “A” and incorporated herein by reference.

3. On August 20, 2018, Movants filed a dispossessory warrant in the Magistrate Court of DeKalb County against Alliance for Change Through Treatment, LLC (“Alliance”), Debtor, and All Others, assigned a case number of 18D54764.

4. Upon information and belief, Debtor is the sole member of Alliance.

5. On October 15, 2018, Debtor filed a “Letter” with the Magistrate Court informing it that she had filed this bankruptcy action. A true and correct copy of this Letter is attached to the original Motion for Relief from the Automatic Stay as Exhibit “B” and is incorporated herein by reference.

6. This is the first time that Movants became aware of Debtor’s bankruptcy filing.

7. The Magistrate Court held a hearing on December 13, 2018, whereby the Magistrate Court indicated it would not proceed with issuance of a Writ of Possession or further hearing until receiving an Order from this Court lifting the automatic stay.

8. The Magistrate Court has re-set the underlying hearing for January 23, 2019 to allow time for Movants to obtain relief from this Court.

9. The Debtor and Alliance continue enjoying the benefits of possessing the Property as a possible tenant-at-sufferance after the foreclosure sale of the Property and without tendering any rent to Movants.

10. Movants desire to use any and all legal means to take possession of the Property and remove any and all personal property of the Debtor and Alliance from the Property but is unable to do so as long as the automatic stay is in effect.

11. Movants are not adequately protected and hereby shows that there is cause for relief from the stay, as (i) the Debtor and Alliance are tenants-at-sufferance after the foreclosure sale of the Property, and (ii) the Movants are unable to dispossess the Debtor, Alliance, and/or other occupants and remove their respective personal property from therein because of the stay. 11 U.S.C. § 362(d)(1).

12. Furthermore, relief from the stay is appropriate, because the Debtor does not have equity in the Property and the Property is not necessary to an effective reorganization. 11 U.S.C. § 362(d)(2)(A)-(B).

WHEREFORE, the Movant requests for the following relief:

(1) an Order lifting the stay, authorizing Movants to, among other things, exercise their state law rights to take possession of the Property and remove any personal property from the Property.

(2) that the Court waive the 14-day stay of Bankruptcy Rule 4001(a)(3); and

(3) for such other and further relief as the Court deems just and equitable.

Respectfully submitted, this 14th day of December, 2018.

Rountree & Leitman, LLC

By: /s/ David S. Klein

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CERTIFICATE OF SERVICE

This is to certify that I have this day served the foregoing **Notice of Hearing and Amended Motion for Relief from the Automatic Stay** on the following parties by depositing in the United States mail a copy of same in a properly addressed envelope with adequate postage affixed thereon to assure delivery to:

Cassandra Johnson Landry
869 Natchez Valley Trace
Grayson, GA 30017

S. Gregory Hays
Hays Financial Consulting, LLC
Suite 555
2964 Peachtree Road
Atlanta, GA 30305

United States Trustee
362 Richard Russell Building
75 Ted Turner Drive, SW
Atlanta, GA 30303

This 14th day of December, 2018.

/s/ David S. Klein
David Klein, Georgia Bar No. 183389
dklein@randllaw.com